IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 7275 of 2004(N)

PETITIONER:

SHIBU JACOB, AGED 36 YEARS,
S/O.JACON, RESIDING AT POOVAM, PANNIYOOR,
PALLIVAYAL, TALIPARAMBNA, KANNUR.

BY ADV. SRI.M.SASINDRAN
SRI.TOJAN J. VATHIKULAM

RESPONDENTS: 1

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1. THE KURUMATHUR GRAMA PANCHAYATH,
REP. BY ITS SECRETARY, PANCHAYATH OFFICE,
KURUMATHUR, KANNUR.

2. THE SECRETARY,
KURUMATHUR GRAMA PANCHAYATH, PANCHAYATH OFFICE,
KURUMATHUR, KANNUR.

BY ADV. SRI.P.K.VIJAYAN
SRI.C.D.BINISH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: A TRUE COPY OF THE RECEIPT ISSUED ON PAYMENT OF THE LICENCE FEE FOR THE PERIOD 2003-2004 DATED 21.4.2003.

EXT.P2: A TRUE COPY OF THE SKETCH SHOWING THE LIE AND NATURE OF THE PROPERTY AND THE PIGGERY.

EXT.P3: A TRUE COPY OF THE CERTIFICATE SHOWING THE SANCTION AND CONSTRUCTION OF THE BIO-GAS PLANT UNDER THE NATIONAL BIOGAS AND MANURE MANAGEMENT PROGRAMME 2003-2004 ISSUED BY THE AGRICULTURAL OFFICER, KURUMATHUR KRISHI BHAVAN.

EXT.P4: A TRUE COPY OF THE INSURANCE PROPOSAL.

EXT.P5: A TRUE COPY OF THE CERTIFICATE ISSUED BY THE SENIOR VETERINARY SURGEON, VETERINARY POLY CLINIC, TALIPARAMBA.

EXT.P6: A TRUE COPY OF THENOTICE NO.A2 H9-/2004 DATED NIL.

/True Copy/

P.A to Judge.

KURIAN JOSEPH , J

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W.P.(C) NO. 7275 OF 2004

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Dated this the 1st day of August, 2007.

JUDGMENT

Petitioner approached this Court with certain grievances regarding Ext.P6 notice issued in the conduct of piggery by the petitioner. It is submitted that the petitioner was not given an opportunity for hearing before issuing the mandatory direction . There is no counter affidavit, though there is an interim order ever since 17.03.2004. I quash Ext.P6 without prejudice to the liberty to the panchayat to take appropriate action in accordance with law with notice to the petitioner.

The writ petition is disposed of accordingly.

KURIAN JOSEPH, JUDGE.

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